





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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FEDERAL ELECTION COMMISSION  
2018 OCT 15 AM 11:54

October 15, 2018

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP by DPH*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC for DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KDR BH*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2018 12 Day Pre-Primary Report  
(Arizona and Florida) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to timely file the 2018 12 Day Pre-Primary Report for the Arizona and Florida Primary Elections in accordance with 52 U.S.C. § 30104(a). The 12 Day Pre-Primary Report was due on August 16, 2018 and the Primary Elections were held on August 28, 2018.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, the committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalty calculation for the committee that failed to file the report is outlined below:

The committee (AF 3484) represents a candidate that participated in the 2018 Primary in Florida's House Race. The committee was required to file a 2018 12 Day Pre-Primary Report (12P) covering July 1, 2018 through August 8, 2018 (39 days). In order to determine the civil money penalty, an estimated level of activity was calculated using a per diem average by

[illegible]

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

CONFIDENTIAL

10/15/2018 9:48 AM

Federal Election Commission  
Reason to Believe Circulation Report  
2018 PRE-PRIMARY Election Sensitive 08/16/2018 AUTH (FL, AZ)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3484	C00664763	ANGIE CHIRINO FOR CONGRESS	ANGIE CHIRINO	JORGE MIRABENT	\$111,420	0		Not Filed	\$24,011 (est)	\$1,200
3485	C00637454	DEEDRA 2018 FOR US SENATE	DEEDRA ABOUD	MARLENE BINNION	\$192,457	0	8/22/2018	6	\$37,358	\$630

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2018 )  
12 Day Pre-Primary Report (Arizona and )  
Florida) for the Administrative Fine )  
Program: )  
ANGIE CHIRINO FOR CONGRESS, and ) AF# 3484  
MIRABENT, JORGE MR. as treasurer; )  
DEEDRA 2018 FOR US SENATE, and ) AF# 3485  
BINNION, MARLENE as treasurer; )

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,  
do hereby certify that on October 18, 2018 the Commission took the following  
actions on the Reason To Believe Recommendation - 2018 12 Day Pre-Primary  
Report (Arizona and Florida) for the Administrative Fine Program as recommended  
in the Reports Analysis Division's Memorandum dated October 15, 2018, on the  
following committees:

AF#3484 Decided by a vote of 4-0 to: (1) find reason to believe that ANGIE  
CHIRINO FOR CONGRESS, and MIRABENT, JORGE MR. in his official capacity as  
treasurer, violated 52 U.S.C. 30104(a) and make a preliminary determination that the  
civil money penalty would be the amount indicated on the report; (2) send the appropriate  
letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for  
the decision.

AF#3485 Decided by a vote of 4-0 to: (1) find reason to believe that DEEDRA 2018 FOR US SENATE, and BINNION, MARLENE in her official capacity as treasurer, violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

October 18, 2018

Date



Dayna C. Brown  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 18, 2018

Marlene Binnion, in official capacity as Treasurer  
Deedra 2018 for US Senate  
530 E McDowell Rd, Ste 107-411  
Phoenix, AZ 85004

C00637454  
AF#: 3485

Dear Ms. Binnion:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period July 1, 2018 through August 8, 2018 shall be filed no later than August 16, 2018. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on August 22, 2018, six (6) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On October 18, 2018, the FEC found that there is reason to believe ("RTB") that Deedra 2018 for US Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before August 16, 2018. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$630. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$630 is due within forty (40) days of the finding, or by November 27, 2018, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$37,358  
Number of Days Late: 6  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or November 27, 2018. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Deedra 2018 for US Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate



action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

*Carole C. Hunter*

Caroline C. Hunter  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$630 for the 2018 Pre-Primary Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Deedra 2018 for US Senate

FEC ID#: C00637454

AF#: 3485

PAYMENT DUE DATE: November 27, 2018

PAYMENT AMOUNT DUE: \$630



FEDERAL ELECTION COMMISSION 2019 AUG 29 PM 12:59  
WASHINGTON, D.C. 20463

August 29, 2019

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *KDR* *BH*  
Kristin D. Roser/Ben Holly  
Reports Analysis Division  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2018 12 Day Pre-Primary Report (Arizona and Florida)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2018 12 Day Pre-Primary Report. The first list represents a committee that has paid the civil money penalty and the second list represents a committee that has not paid the civil money penalty. The committee that has not paid has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, one (1) committee disclosed a level of activity after the RTB finding, which would result in a lowered civil money penalty. An overview of this case has been provided below.

Angie Chirino for Congress (AF 3484) disclosed no activity after the RTB finding (previously estimated to be \$24,011), which would result in no civil money penalty (fine previously assessed to be \$1,200).

# Topography

- (1) Make a final determination that the political committee and its treasurer, in her official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (2) Make a final determination that the political committee and its treasurer, in his official capacity, listed on the attached report with no activity, violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty.
- (3) Send the appropriate letters.

8/28/2019 10:19 AM

Federal Election Commission  
FD Circulation Report Fine Paid  
2018 PRE-PRIMARY Election Sensitive 08/16/2018 AUTH( FL, AZ)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3485	DEEDRA 2018 FOR US SENATE	DEEDRA ABBOUD	C00637454	MARLENE BINNION	08/22/2018	6	\$37,358	0	10/18/2018	\$630	\$630	11/28/2018	\$630

8/28/2018 10:18 AM

Federal Election Commission  
FD Circulation Report Fine Not Paid  
2018 PRE-PRIMARY Election Sensitive 08/16/2018 AUTH( FL, AZ)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3484	ANGIE CHIRINO FOR CONGRESS	ANGIE CHIRINO	C00664763	JORGE MIRABENT		Not Filed	\$0	0	10/18/2018	\$1,200	315	NONE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3485  
Administrative Fine Program - Final )  
Determination Recommendation for the )  
2018 12 Day Pre-Primary Report: )  
(Arizona) Deedra 2018 for US Senate )  
and Marlene Binnion, as treasurer )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 03, 2019, the Commission decided by a vote of 4-0 to take the following actions in AF 3485:

1. Make a final determination that Deedra 2018 for US Senate and Marlene Binnion, in her official capacity as treasurer, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty in the amount of \$630.
2. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

9/4/19  
Date

Laura E. Sinram

Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 30, 2019

Marlene Binnion, in official capacity as Treasurer  
Deedra 2018 for US Senate  
20392 N 84th Way  
Scottsdale, AZ 85255

C00637454  
AF#: 3485

Dear Ms. Binnion:

On October 18, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Deedra 2018 for US Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2018 Pre-Primary Report. By letter dated October 18, 2018, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$630 in accordance with the schedule of penalties at 11 CFR § 111.43.

On November 28, 2018, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on August 30, 2019 that Deedra 2018 for US Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed a civil money penalty in the amount of \$630 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Ben Holly on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink that reads "Ellen L. Weintraub". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ellen L. Weintraub  
Chair



THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3485

# CONCLUSION